

REMARKS

Favorable reconsideration and allowance of the claims are respectfully requested.

Claims 4 and 5 are the only claims remaining in this application. Claims 1-3 have been cancelled.

The Applicants respectfully request approval of the amended Abstract submitted herewith. The Abstract has been amended in response to the comments made by the Examiner on page 2 of the Office Action.

The Applicants also request the Examiner to note the correct title of the invention "BALL JOINT WITH THERMAL PROTECTOR", as reflected in the Specification and Declaration as filed. The Patent Application Publication and Official Filing Receipt used a different title, namely "KNUCKLE WITH THERMAL PROTECTOR."

The claims, as amended, particularly point out new and unobvious features of the invention which are not suggested by the references. Particularly, claim 4 points out several new and unobvious features of the invention which are not suggested by any references, and which particularly are not suggested by Abels or Amrath.

Claim 4 points out that the connecting ring has a series of tabs angularly distributed around the circumference of the connecting ring. That feature is not taught or suggested by Abels.

Preliminarily, Applicants would note that a corresponding European patent has been granted on this invention, with Claim 1 reading substantially as Claim 4 originally presented herein upon entry into the U.S. National Phase, although recast to utilize the so-called "two-part form" common in European practice. The claims were allowed by

the EPO, except that in Claim 1, "superinjection" was amended to "overinjection" by the EPO to conform more closely to the specification. A similar amendment has been made to Claim 4 herein, for similar reasons. Relevant documents from the corresponding EP application are attached hereto as Exhibit A.

As can be seen, the reason for the re-casting of Claim 1 was the first (and only) Office Action issued by the EPO, in which the Examiner's interpretation of WO-A-02/101250 (Abels) is given (this reference corresponds to the Abels reference cited by the U.S. Examiner).

It is noted that the EPO Examiner did not consider Abels to disclose that the connecting ring has a base and side face from which project a series of tabs. The element 8a and the portion between beads 8b and 8c cannot be considered "a series of tabs" as this term is to be understood from the disclosure of the present application. However, to further clarify this conceptual difference, the Applicants have amended Claim 4 to clarify that the "series of tabs" is a "series of tabs angularly distributed around the circumference of the connecting ring."

Claim 4 further points out that the "thermal protector presents a horizontal upper face with a series of flexible radial plates that define interiorly a circular opening which is fixed to the connecting ring by pressure of the plates on the tabs until they pass over them, with the result that said plates are engaged between the tabs and the base of the connecting ring." That feature is not taught or suggested by Abels or Amrath.

As the Examiner admits, Abels does not disclose a "thermal protector presenting a horizontal upper face with a series of flexible radial plates that define interiorly a circular

opening which is fixed to the connecting ring by pressure of the plates on the tabs until they pass over them, with the result that said plates are engaged between the tabs and the base of the connecting ring". Instead, in Abels, the cap 7 is attached to the ring 8 by means of bending the projections 9 to fit into the beads 8b or 8c. See, for example, Figure 3 and column 4, lines 28-38.

Contrary to the Examiner's assertion, it would not have been obvious for a skilled person to modify Abels in view of Amrath so as to arrive at the present invention.

Abels teaches away from a combination with Amrath. Indeed, the way the projections 9 are described, and the way Abels continually emphasizes that there should be no "axial force" exerted on the bellows 6 (see, for example, column 4, lines 28-38 and column 1, lines 22-31; column 2, lines 25-27), makes it clear that the skilled person would feel reluctant to apply anything similar to the concept disclosed in Amrath to the system disclosed in Abels.

Moreover, it should be noted that Amrath discloses the connection of a bellows 4 to the ball pin 3. This bellows 4 is said to be of the type that seals off the ball joint connection (see, for example, column 1, lines 11-13). Thus, Amrath deals with the connection of the rubber bellows 4 to the ball pin 3, and not the connection of any thermal protector. Thus, if the skilled person were to apply the teachings of Amrath to the system disclosed by Abels, the skilled person would, at the very most, arrive at something in which the rubber bellows 6 of Abels would be connected to the ball pin 18 by means of a connection system similar to the one described by Amrath. However, there is nothing in Abels or Amrath that would suggest to the skilled person that the

protective cap 7 of Abels could or should be connected to any ring in a way different from the way suggested by Abels. This is especially clear in view of the way that Abels focuses on the specific way in which the cap is connected to the rubber bellows by bending the projections 9.

In short, Abels and Amrath disclose two conceptually different systems which, although related to the same technical field, would not have been combined in the manner suggested by the Examiner to arrive at the present invention. The elements in the combination as proposed by the Examiner would not perform the function that each element performs separately. The Examiner's proposed combination of Abels and Amrath is based purely on hindsight, which is not a proper grounds for a rejection.

Claim 5 depends from Claim 4 and distinguishes the invention from the references in the same manner as Claim 4, and additionally distinguishes the invention by additional features recited in the dependent claim.

Because the invention is new and unobvious, and because new and unobvious features in the invention have been specifically set forth in the claims, and because the references do not suggest those new and unobvious features, reconsideration and allowance of the claims are requested.

Should the Examiner have any questions concerning this Amendment, or any further suggestion for placing this application in condition for allowance, Applicant's request that the Examiner contact the Applicants' attorney, Craig Bailey, at 310-824-5555.

Applicant believes that no fee is due in connection with this response. However, if a fee is required, the Commissioner is authorized to charge the fee to our Deposit Account No. 06-2425.

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Respectfully submitted,

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